

What is Mediation?

Mediation is an informal process in which an impartial third party (the mediator), assists the parties in resolving the dispute. The mediator typically:

- Invites the parties to discuss the problem in private and joint meetings;
- Works to reduce hostilities and improve communication;
- Encourages mutual cooperation and respect;
- Helps the parties "hear" and understand the interests and concerns of each other;
- Assists the parties in creating customized solutions to the situation that they can both live with; and
- Formalizes the agreement in writing for the parties to take with them.

Who are the Mediators?

Mediators are neutral third parties who provide a structure and environment that assists communication and helps identify key facts and issues of the parties. Mediators also help develop options to move towards agreements that are acceptable to both sides. All of the mediators are Regulated Industries Complaints Office (RICO) employees who have had mediation training. The RICO employee assigned as the

mediator will not have a part in the original case.

Do I need a Attorney?

NO. You may hire an attorney or representative, but one is not required. RICO encourages parties to mediate without their attorneys. However, you are encouraged to have your attorney review any agreement you come up with prior to signing. You are free to talk to an attorney at any time.

What is the Role of the Parties?

Mediation is voluntary. All parties must agree to mediate. If all necessary parties do not agree to the process, then a mediation cannot be scheduled.

Are there Advantages to Mediating?

YES. Some of the advantages you should consider about mediating are:

- **YOU DECIDE.** When a hearings officer makes a decision in a case, at least one party (and sometimes both parties) leave unhappy. In mediation, you and the other party, with the help of a mediator, decide what is a fair solution. This way, you avoid the risk of "losing" or reaching an outcome which does not meet your satisfaction.
- **CUSTOMIZED SOLUTIONS.** In mediation, a mediator can help you develop a "customized" agreement that meets the special circumstances

of you and the other party (including a clear payment plan).

- **CONFIDENTIAL.** Everything you say or write in mediation is strictly confidential.
- **NO COST.** There is no extra charge for the mediation process.
- **A TRIAL IS STILL AN OPTION.** If you are not able to reach an agreement through mediation, you can take your complaint to Small Claims Court or regular claims court.

How do I Prepare for Mediation?

Effective mediation requires two-way communication. This means:

- Honestly expressing your needs; and
- Listening to what the other party needs.

The key to a successful mediation is:

- Cooperation and
- Flexibility

The following suggestions will help you reach a fair agreement:

- Don't have a "win or lose" attitude; help yourselves both win;
- Don't be fixed on a specific outcome; be open to new ideas or suggestions;
- Don't lay blame or seek revenge;
- Look to the future, not the past;
- Express and listen. Help the other party understand you, and do your best to understand them.

- Bring all relevant documents.



Telephone Inquiries

HONOLULU OFFICE

Leiopapa A Kamehameha Building
235 South Beretania Street, 9th Floor
Honolulu, HI 96813

Complaint History.....587-3222, press 1

To call Honolulu numbers from the Neighbor Islands, dial Kauai 274-3141, Maui 984-2400, the Big Island 974-4000, Lanai/Molokai 1-800-468-4644, then dial the last five digits of the state phone number you want to call, then press the # sign.

Filing a Complaint.....587-3222, press 3

(Neighbor Islands, repeat the same process as instructed above.)

MAUI OFFICE.....243-5808

1063 Lower Main Street, Suite C-216
Wailuku, HI 96793

KAUAI OFFICE.....274-3200

3060 Eiwa Street, #204
Lihue, HI 96766

HILO OFFICE.....933-8846

345 Kekuanaoa Street, #12
Hilo, HI 96720

KONA OFFICE.....322-1908

78-6831 Alii Drive, Suite 134A
Kailua-Kona, HI 96740

The Regulated Industries Complaints Office receives, resolves, investigates and prosecutes complaints relating to the industries, boards, and commissions regulated by the department.

Call the DCCA **Consumer Resource Center** at **587-3222** and press 3, if you have a consumer complaint against a merchant, car dealership, and other businesses and licensed professionals in Hawaii.

If you are calling from the Neighbor Islands, call via the state toll free telephone number for Kauai 274-3141 extension 73222; the Big Island 974-4000 extension 73222; Maui 984-2400 extension 73222; Molokai and Lanai 1-800-468-4644 extension 73222.

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This printed material can be made available for individuals with special needs in braille, large print or audio tape. Please submit your request to the Complaints and Enforcement Officer at 586-2666.

RICO website: www.state.hi.us/dcca/rico
RICO e-mail: rico@dcca.state.hawaii.gov

Complaints History online at:
www.ehawaii.gov.org/serv/cms

Business Name Search:
<http://www.ehawaii.gov.org/DCCA/biz-name>

Licensing Search: <http://www.ehawaii.gov.org/serv/pvl>

TIPS ON

MEDIATION

